
SECOND SUBSTITUTE SENATE BILL 6468

State of Washington 60th Legislature 2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators King, Rasmussen, Roach, Hobbs, Honeyford, Hewitt, and Sheldon)

READ FIRST TIME 02/28/08.

1 AN ACT Relating to the taxation of honey beekeepers; amending RCW
2 82.04.330, 82.08.865, and 82.12.865; adding a new section to chapter
3 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new
4 section to chapter 82.12 RCW; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 82.04.330 and 2001 c 118 s 3 are each amended to read
7 as follows:

8 (1)(a) This chapter shall not apply to any farmer ~~((that))~~ who:
9 (i) Sells any agricultural product at wholesale; or ~~((to any farmer~~
10 ~~who))~~

11 (ii) Grows, raises, or produces agricultural products owned by
12 others, such as custom feed operations.

13 (b) This chapter shall not apply to amounts derived from the
14 wholesale sale of honey bee products by an eligible apiarist, as
15 defined in RCW 82.08.865, who owns or keeps bee colonies and who does
16 not qualify for an exemption under (a) of this subsection in respect to
17 such sales.

18 (c) The exemptions provided in (a) and (b) of this subsection shall

1 not apply to any person selling such products at retail or to any
2 person selling manufactured substances or articles.

3 (2) This chapter shall also not apply to any persons who
4 participate in the federal conservation reserve program or its
5 successor administered by the United States department of agriculture
6 with respect to land enrolled in that program.

7 **Sec. 2.** RCW 82.08.865 and 2007 c 443 s 1 are each amended to read
8 as follows:

9 (1) The tax levied by RCW 82.08.020 does not apply to sales (~~(of~~
10 ~~diesel fuel, biodiesel fuel, or aircraft fuel,)~~ of the following fuels
11 to a farm fuel user for (~~(nonhighway use. This exemption applies to a~~
12 ~~fuel blend if all of the component fuels of the blend would otherwise~~
13 ~~be exempt under this subsection if the component fuels were sold as~~
14 ~~separate products. This exemption is available only if the buyer~~
15 ~~provides the seller with an exemption certificate in a form and manner~~
16 ~~prescribed by the department. Fuel used for space or water heating for~~
17 ~~human habitation is not exempt under this section.~~

18 ~~(2))~~ agricultural purposes:

19 (a) Diesel fuel;

20 (b) Biodiesel fuel;

21 (c) Aircraft fuel; or

22 (d) Fuel blends, provided that all of the component fuels of the
23 blend would otherwise be exempt under this subsection if the component
24 fuels were sold as separate products.

25 (2) This exemption is available only if the buyer provides the
26 seller with an exemption certificate in a form and manner prescribed by
27 the department.

28 (3) The definitions in RCW 82.04.213 and this subsection apply to
29 this section.

30 (a)(i) "Agricultural purposes" means the performance of activities
31 directly related to the growing, raising, or producing of agricultural
32 products.

33 (ii) "Agricultural purposes" does not include:

34 (A) Heating space for human habitation or water for human
35 consumption; or

36 (B) Transporting individuals, agricultural products, farm machinery

1 or equipment, or other tangible personal property on public roads,
2 except as permitted under RCW 82.38.080(1)(g).

3 (b) "Aircraft fuel" is defined as provided in RCW 82.42.010.

4 ~~((b))~~ (c) "Bee colony" means a natural group of honey bees
5 containing seven thousand or more workers and one or more queens,
6 housed in a man-made hive with movable frames, and operated as a
7 beekeeping unit.

8 (d) "Biodiesel fuel" is defined as provided in RCW 19.112.010.

9 ~~((e))~~ (e) "Diesel fuel" is defined as provided in 26 U.S.C. 4083,
10 as amended or renumbered as of January 1, 2006.

11 ~~((d))~~ (f) "Eligible apiarist" means a person who owns or keeps
12 one or more bee colonies and who grows, raises, or produces honey bee
13 products for sale at wholesale and is registered under RCW 15.60.021.

14 (g) "Farm fuel user" means:

15 (i) A farmer; ~~((e))~~

16 (ii) An eligible apiarist; or

17 (iii) A person who provides horticultural services for farmers,
18 such as soil preparation services, crop cultivation services, and crop
19 harvesting services.

20 (h) "Honey bee products" means queen honey bees, packaged honey
21 bees, honey, pollen, bees wax, propolis, or other substances obtained
22 from honey bees. "Honey bee products" does not include manufactured
23 substances or articles.

24 **Sec. 3.** RCW 82.12.865 and 2007 c 443 s 2 are each amended to read
25 as follows:

26 (1) The provisions of this chapter do not apply with respect to the
27 ~~((nonhighway use of diesel fuel, biodiesel fuel, or aircraft fuel, by~~
28 ~~a farm fuel user. This exemption applies to a fuel blend if all of the~~
29 ~~component fuels of the blend would otherwise be exempt under this~~
30 ~~subsection if the component fuels were acquired as separate products.~~
31 ~~Fuel used for space or water heating for human habitation is not exempt~~
32 ~~under this section)) use of the following fuels by a farm fuel user for~~
33 agricultural purposes:

34 (a) Diesel fuel;

35 (b) Biodiesel fuel;

36 (c) Aircraft fuel; or

1 (d) Fuel blends, provided that all of the component fuels of the
2 blend would otherwise be exempt under this subsection if the component
3 fuels were sold as separate products.

4 (2) The definitions in RCW 82.08.865 apply to this section.

5 NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW
6 to read as follows:

7 (1) This chapter does not apply to amounts received by an eligible
8 apiarist, as defined in RCW 82.08.865, for providing bee pollination
9 services to a farmer using a bee colony owned or kept by the person
10 providing the pollination services.

11 (2) The definitions in RCW 82.04.213 apply to this section.

12 NEW SECTION. Sec. 5. A new section is added to chapter 82.08 RCW
13 to read as follows:

14 The tax levied by RCW 82.08.020 does not apply to the sale of honey
15 bees to an eligible apiarist, as defined in RCW 82.08.865. This
16 exemption is available only if the buyer provides the seller with an
17 exemption certificate in a form and manner prescribed by the
18 department.

19 NEW SECTION. Sec. 6. A new section is added to chapter 82.12 RCW
20 to read as follows:

21 The provisions of this chapter do not apply in respect to the use
22 of honey bees by an eligible apiarist, as defined in RCW 82.08.865.
23 This exemption is available only if the buyer provides the seller with
24 an exemption certificate in a form and manner prescribed by the
25 department.

26 NEW SECTION. Sec. 7. This act takes effect July 1, 2008.

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